

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Plaintiff

v.

ALFRED ZOTYNIA
TINA ZOTYNIA

Civil Action No: 00-CV-2229

MOTION FOR SERVICE BY POSTING PROPERTY
AND CERTIFIED MAIL

Plaintiff, the United States of America, pursuant to Federal Rule of Civil Procedure 4(e)(1) moves this Court for an Order directing service upon the Defendant, Alfred Zotynia, in this action by

1) Posting a copy of the Notice of Sale on the property to be foreclosed and 2) Mailing by certified mail a copy of the Notice of Sale to Defendant's last known address, 710 N. Main Avenue, #1, Scranton, PA 18504, in accordance with the law of the State of Pennsylvania, Pennsylvania Rule of Civil Procedure 430(a) and Pennsylvania Rule of Civil Procedure 410(c)(2). In support thereof, Plaintiff avers:

1. This action was brought to foreclose on a real estate mortgage held by the Plaintiff and executed by the Defendant, Alfred Zotynia. The real property, located within the Middle District of Pennsylvania, is situated at Lake Road, Greeley, PA 18435

2. Defendant, Alfred Zotynia, cannot be found within the Middle District of Pennsylvania and his whereabouts are unknown. (See affidavit – Exhibit A).

3. Service on the Defendant, Alfred Zotynia, was attempted by personal service at the mortgaged property. The Defendant's whereabouts are unknown. Neighbors are unsure if the Defendant still resides and there's mail piling up according to the certification provided by the process server. Service was also attempted at the Defendant's last known address, 710 N. Main Avenue, #1, Scranton, PA 18504. As a result the Defendant has moved. Tenant Shiva now resides at the property according to the certification provided by the process server (See Service Returns – Exhibit B).

4. Plaintiff has made a good faith effort to locate the Defendant, Alfred Zotynia,

including the following: (a) inquiries of postal authorities including inquires pursuant to the Freedom of

Information Act, 39 C.F.R. Part 265, (b) examination of local telephone directories, (c) inquires of Voters Registration, (d) inquires of the Board of Assessments (EXHIBIT C).

WHEREFORE, Plaintiff respectfully requests this Court enter an Order directing service upon the Defendant, Alfred Zotynia, by posting a copy of the Notice of Sale on the property to be foreclosed and mailing a copy of same by certified and regular mails to the Defendant's last known address.

Respectfully submitted,

GOLDBECK McCafferty & McKeever

s/ Michael T. McKeever

By: _____
Michael T. McKeever, Esquire
Pennsylvania Attorney I.D. No. 56129
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
(215) 627 – 1322
Original signature not required/electronic filing

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CERTIFICATE OF SERVICE

This is to certify that, in this case, complete copies of all papers contained in the attached Motion for Service were served upon Defendant at the property address by regular mail on December 23, 2004 upon:

ALFRED ZOTYNIA
Lake Road
Greeley, PA 18435

Respectfully submitted,

GOLDBECK McCAFFERTY & McKEEVER

s/ Michael T. McKeever

By: _____
Michael T. McKeever, Esquire
Pennsylvania Attorney I.D. No. 56129
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AFFIDAVIT

I, Michael T. McKeever, an attorney with the law office of Goldbeck McCafferty & McKeever, on behalf of Plaintiff, depose and state that the following is true and correct to the best of my knowledge and is based upon information obtained from official sources:

1. Plaintiff has attempted to effectuate service of a Notice of Sale on the Defendant, Alfred Zotynia, through diligent efforts, attempting personal service at the property to no avail.

2. The Defendant, Alfred Zotynia, no longer resides in the mortgage property as evidenced by the certification of the process server. An inquiry of postal authorities, examination of local directories and credit bureau reports reveals no other address for Defendant, Alfred Zotynia, making personal service of the Defendant impossible.

3. Despite a good faith effort to locate Defendant, ALFRED ZOTYNIA, cannot be found within the Middle District of Pennsylvania and whose whereabouts are unknown.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

GOLDBECK McCAFFERTY & McKEEVER

s/ Michael T. McKeever

By: _____
Michael T. McKeever, Esquire
Pennsylvania Attorney I.D. No. 56129
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